



Barbados

Country Reports on Human Rights Practices - [2002](#)

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Barbados is a constitutional democracy with a multiparty, parliamentary form of government and is a member of the Commonwealth of Nations. The Queen was head of state and was represented by an appointed Governor General. Prime Minister Owen Arthur of the Barbados Labour Party (BLP) was the head of government and governed with an appointed cabinet. The judiciary was generally independent.

The Royal Barbados Police Force was charged with maintaining public order. The small Barbados Defense Force (BDF) was responsible for national security and can be employed to maintain public order in times of crisis, emergency, or other specific need; the BDF supported the police during the year. Police occasionally committed some human rights abuses.

The free market economy was based on tourism, services, light manufacturing, and agriculture. The country's population was approximately 275,000. The Government was the single largest employer, employing about 21 percent of the work force. The economy contracted as real growth declined by 0.6 percent, compared to a drop of 2.8 percent in 2001. Tourism declined by 2.8 percent, compared to a drop of 5.9 percent in 2001. Crop damage resulting from tropical storm Lili, which hit the island in September, contributed to losses in the agricultural sector. The unemployment rate at the end of September was 10.3 percent.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were occasional allegations of excessive use of force by police. Societal violence against women and children were problems. Barbados was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

RESPECT FOR HUMAN RIGHTS

Section 1. Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution specifically prohibits torture and inhuman or degrading punishment or other treatment. The majority of complaints against the police alleged unprofessional conduct and beating or assault.

In March newspapers reported that four policemen allegedly beat Colin Gaul, a Guyana-born Swedish citizen, and forcibly removed him from a flight bound for Guyana after the captain of the flight refused to take off with him on board. The press reported that Gaul, who was traveling with his 3-year-old son, had complained loudly at having to walk from the back of the aircraft to his seat near the front of the aircraft, while other passengers with children seated near the front had been allowed to board from the front of the plane. The airline told the press that Gaul had

been abusive on an earlier flight and cited security concerns as a reason to remove him. After Gaul refused requests by security guards and police to leave the plane, the policemen allegedly grabbed him and punched him in the head with bare fists and forced him off the plane. According to press reports, one of the passengers who witnessed the incident gave a statement to the Guyana Human Rights Association. The police conducted an investigation, but no results were made public.

At year's end, assault charges filed by students at the University of the West Indies against a police officer were still pending before the High Court. These charges arose out of an incident in 2001 when students barricaded the main campus road and clashed with police (see Section 2.b.).

The police force has an Office of Professional Responsibility headed by a superintendent to deal with matters of inappropriate police conduct. Although Parliament passed a law in 2001 creating an independent Police Complaints Authority to review complaints against the police, this entity was not yet functioning at year's end.

Police procedures provide that the police may question suspects, and other persons they hold, only at a police station, except when expressly permitted by a senior divisional officer. An officer must visit detainees at least once every 3 hours to inquire about the detainees' condition. After 24 hours, the detaining authority must submit a written report to the Deputy Commissioner. The authorities must approve and record all movements of detainees between stations. The authorities generally adhered to these basic principles, although there were occasional allegations that officials used excessive force.

For a decade, the authorities have issued firearms to special foot patrols in high crime areas in response to public concern. In 2000 the Government created an armed special rapid response unit, which continued to operate during the year. Aside from this exception, the police force was mostly unarmed, in keeping with its British traditions. In addition, the law provides that the police can request the BDF to assist them when needed for specific periods of time. During these times, such as the annual "Crop Over" carnival period, the police and BDF may run joint patrols. In addition, the police operated a mobile unit that could be dispatched as needed, including to the tourism areas.

Prison conditions were inadequate. The sole prison (Glendairy) was antiquated and overcrowded, with more than 700 male and 92 female inmates in a 150-year-old structure built for 350 inmates.

There were separate areas for pretrial detainees and convicted prisoners at the prison; however, there was occasional mixing due to space constraints.

There was a separate wing for female prisoners at the prison, and there were separate detention facilities for boys and girls.

In March the Government discharged 8 of the 14 prison officers who were suspended in November 2001 for the alleged beatings of 36 inmates. The other six officers, including three senior officers, were suspended with half-pay. A total of 9 officers faced over 100 charges, mainly for assault, as a result of the alleged beatings. At year's end, the officers were free on bail pending further court hearings.

The Government allowed private groups to visit prisons to ascertain conditions.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and imprisonment and requires detainees to be brought before a court of law within a reasonable time, and the Government generally respected these provisions in practice. Criminal defendants had the right to counsel, and attorneys had ready access to their clients.

The Constitution prohibits exile, and it was not used.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and it was generally free of intervention by other branches of government.

The judiciary includes the Supreme Court, which consists of the high court and court of appeal. The Governor General, on the recommendation of the Prime Minister and after consultation with the leader of the opposition, appoints the Chief Justice and other judges. Judges serve until the age of 65.

The Constitution provides that persons charged with criminal offenses be given a fair public hearing within a reasonable time by an independent and impartial court, and the Government generally respected this right in practice. The judicial system provides for the right of due process at each level. The law presumes defendants innocent until proven guilty.

The Government provided free legal aid to the indigent, with the exception of a limit of approximately \$2,100 (£1,300) on expenses incurred for appeals by death row prisoners to the Privy Council in London. Two inmates challenged this limit and sued the Government on the grounds that it effectively deprived them of their right to due process.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits arbitrary entry, search, or seizure, and the law requires warrants to be issued before privately owned property may be entered and searched. The Government did not interfere routinely in the private lives of its citizens.

The Government did not censor mail. However, the Government restricted the receipt of foreign publications deemed to be pornographic. Other foreign publications of a nonprurient nature were allowed without restriction.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice. There were two independent daily newspapers, both of which presented opposition political views. The Government regularly came under criticism in the newspapers and on daily call-in radio programs. There were six radio stations, two of which were owned by the Government. The Caribbean Broadcasting Corporation (CBC) television service (the only television source, excluding direct satellite reception) was government-owned. Although CBC was a state enterprise, it regularly reported views opposing government policies. The press remained vigorously critical of the Government on a broad range of issues. The Government prohibited the production of pornographic materials.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly, and the Government generally respected this right in practice. Political parties, trade unions, and private organizations functioned and held meetings and rallies generally without hindrance.

The Public Order Act of 1970 requires police approval for public assemblies, which was granted routinely.

Gatherings related to school activities do not require written police permission. In March 2001, students at a demonstration at the University of the West Indies barricaded the main campus access road and clashed with police, who arrested several students, a clerk, and a law lecturer. The authorities charged the students and lecturer with impeding the public road access in violation of the Road Traffic Act; lawyers for the students filed assault charges against a police officer and also filed a constitutional motion asserting that statements made by the Prime Minister prejudiced their chances of a free trial. At year's end, the motion had not yet been heard, and all parties remained free on bail.

The Constitution provides for the right of association, and the Government generally respected this right in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For more detailed information see the 2002 International Religious Freedom Report.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Citizens and legal residents move freely within the country and leave and enter it without restriction.

The Government had not formulated a policy regarding refugees, asylees, or first asylum. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

Citizens have this right in law and exercised it in practice. Political parties compete in free and fair elections by secret ballot at least every 5 years. There were no impediments to participation in the political process, and all citizens over the age of 18 may vote. The Prime Minister exercised executive power along with the Cabinet of Ministers that he appoints, balanced by the bicameral Parliament and the judicial system. In the 1999 elections, the BLP won a decisive victory, gaining a 26-to-2 majority over the Democratic Labour Party.

There were no legal impediments to the participation of women and minorities in government or politics. There were four female Senators and four female members of the Cabinet, including the Deputy Prime Minister, who served concurrently as Foreign Minister, and the Attorney General.

Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

Local groups involved with human rights operated freely and without government hindrance. The Caribbean Human Rights Network, a Caribbean-wide human rights organization that had its headquarters and a small staff in Barbados, disbanded in March 2001 due to a lack of funding.

The government Ombudsman's office hears complaints against government offices for alleged injuries or injustices resulting from administrative conduct. The Governor General appoints the Ombudsman on the recommendation of the Prime Minister in consultation with the Leader of the Opposition; Parliament must approve the appointment. The Ombudsman serves until age 65 but may be extended for an additional 5 years. The office was prohibited from involvement in policy issues involving foreign affairs, immigration questions, and certain other matters. The office did investigate complaints of inappropriate behavior by police. The Ombudsman's reports were submitted to Parliament.

Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution provides for equal treatment under the law, regardless of race, religion, or sex. The Government generally respected these rights in practice.

Women

Violence and abuse against women continued to be significant social problems. In 2001 there were 71 cases of rape reported to the police; more recent figures were not available. Spousal abuse remained a significant criminal activity during the year. Spousal rape, as distinguished from spousal abuse and domestic violence, is not specifically mentioned in the criminal statutes but was addressed as part of British common law, which generally was followed in the country.

The Domestic Violence Law specifies the appropriate police response to domestic violence; it is intended to protect all members of the family, including men and children. It applies equally to marriages and to common law relationships. Criminal penalties for violent crimes were the same regardless of the sex of the offender or the victim; however, in practice female offenders usually received lighter sentences than their male counterparts for similar offenses. The courts heard a number of cases of domestic violence against women involving assault or wounding. Victims may request restraining orders, which the courts often issue. The courts can sentence an offender to jail for breaching such an order. The police had a Victim Support Unit, made up of civilians and

volunteers, who offered support to victims, particularly female victims, of violent crimes.

There were public and private counseling services for victims of domestic violence, rape, and child abuse. The Business and Professional Women's Club ran a crisis center staffed by 30 trained counselors and provided legal and medical referral services. The center also had a hot line for clients who wished to maintain their anonymity. The Government funded a shelter for battered women, which accommodates 20 women and children; nongovernmental organizations operated it. The shelter offered psychological and physiological counseling by trained counselors to victims of domestic violence. The counselors accompanied victims to the hospital and other agencies if necessary. In the first 8 months of the year, the shelter assisted 36 women and 34 children; the maximum stay was 3 months.

Prostitution is illegal, but it was a problem, fueled by poverty and tourism.

Government statistics showed that women bore a greater share of the unemployment burden than men; the unemployment rate for women was 12.6 percent at the end of 2001, compared to a rate of 9.8 percent for men.

Sexual harassment in the workplace was a problem, but no statistics were available. Draft legislation aimed at preventing sexual harassment in the workplace was under discussion in connection with other proposals to harmonize labor legislation among the Caribbean nations. In addition, the Barbados Workers Union continued to seek guidelines on sexual harassment in contracts and agreements it concluded with employers.

Women actively participated in all aspects of national life and were well represented at all levels of both the public and private sectors. They headed 44 percent of all households and were not discriminated against in public housing or other social welfare programs. A Poverty Eradication Fund focused on encouraging entrepreneurial activities to increase employment for women and youth. Women owned approximately 30 percent of all businesses in the Small Business Association and carried in excess of 70 percent of the recent mortgages in the country. The Government reported that the number of female applicants for the police force as well as for other jobs traditionally held by men increased dramatically during the year.

The National Organization of Women was an affiliate of the Caribbean Women's Association, a regional women's organization.

Children born overseas and out of wedlock to Barbadian men are considered citizens. Previously, Barbadian women married to non-Barbadian men were unable to confer citizenship on their children. A 2000 law, retroactive to the date of independence in 1966, provides that a child born to a male or female citizen has immediate citizenship.

Children

The Government was committed to children's human rights and welfare, although violence and abuse against children remained serious problems. The Government provided for compulsory education until the age of 16. The national health insurance program provided children with free medical and dental services for most medical conditions. The Child Care Board had a mandate for the care and protection of children. This involved investigating day care centers, cases of child abuse or child labor, the provision of counseling services, residential placement, and foster care. The Welfare Department offered counseling on a broad range of family-related issues, and the Child Care Board conducted counseling for child abuse victims.

The press reported that there was an increase in the number of complaints of rape of girls under 16 years old. According to the media, police officials were concerned that children had become targets because rapists saw them as less likely to be infected with the HIV/AIDS virus.

Persons with Disabilities

Other than constitutional provisions of equality for all, there are no laws that specifically prohibit discrimination against persons with disabilities in employment, education, or the provision of other state services. However, the Ministry of Social Transformation established the Disabilities Unit to address the concerns of persons with disabilities and created an advisory committee on disabilities. The Labor Department, a unit within the Ministry that finds jobs for the disabled, has long advocated the introduction of legislation prohibiting discrimination. In September the Government issued a White Paper on Persons with Disabilities outlining policies to facilitate the full integration and participation in society of persons with disabilities.

In 2001 the Disabilities Unit found employment for 26 persons, of whom 11 were hired on a permanent basis. In addition to the work experience program, the unit announced plans to acquire two buildings to be used for income generating activities and career counseling. In 2001 the unit began loaning wheelchairs to persons who otherwise would have not had access to wheelchairs. Despite these efforts, in September newspapers reported that a wheelchair-bound child with cerebral palsy was unable to attend classes at her new school in the north of the island because specially equipped buses did not run that far. After her transportation problems were highlighted in the press, a local charitable organization agreed to provide the necessary transportation. In addition, the Government announced that the Transport Board had purchased two adaptive buses and the disability unit purchased a 14-seat bus capable of accommodating 8 wheelchairs.

The Government launched a well-financed fight against the high incidence of HIV/AIDS. In addition to actions designed to limit the spread of the disease, the Government initiated programs designed to assist persons living with HIV/AIDS and to discourage discrimination against infected persons. The Elroy Phillips Center, a residence facility for persons with HIV/AIDS, was in its 7th year of operation.

While there is no legislation mandating provision of accessibility to public thoroughfares or public or private buildings, the Town and Country Planning Department set provisions for all public buildings to include accessibility to persons with disabilities. As a result, the majority of new buildings had ramps, reserved parking, and special sanitary facilities for such persons.

Section 6. Worker Rights

a. The Right of Association

Workers freely exercised their right to form and belong to trade unions and to strike. Approximately 30 percent of the labor force belonged to trade unions. Overall union membership declined slightly during the year due to job losses in some industries. There were two major unions and several smaller ones, representing various sectors. The public service union, the National Union of Public Workers, was independent of any political party or the Government. Some officers of the largest union, the Barbados Workers' Union, were associated personally with the Democratic Labour Party. Most unions belonged to the Congress of Trade Unions and Staff Associations.

Employers have no legal obligation to recognize unions under the Trade Union Act of 1964, but most did so when a significant percentage of their employees expressed a desire to be represented by a registered union. While there is no specific law that prohibits discrimination against union activity, the courts provided a method of redress for employees who allege wrongful dismissal. The courts commonly awarded monetary compensation but rarely ordered reemployment. Legislation to address the union recognition process was still pending at year's end.

Trade unions were free to form federations and were affiliated with a variety of regional and international labor organizations. The Caribbean Congress of Labor has its headquarters in the country.

b. The Right to Organize and Bargain Collectively

The law provides for the right to organize and bargain collectively. Normally, wages and working conditions were negotiated through the collective bargaining process, but in 1993 the Tripartite Prices and Incomes Policy Accord established a 2-year wage freeze. Since then, negotiated protocols contain provisions for increases in basic wages and increases based on productivity. Protocol Four, which covers 2001-04, was intended to encompass the needs of an increasingly global workforce as the Caribbean nations move towards the development of a single market economy and the free movement of skilled labor. It included an appendix covering the treatment of HIV/AIDS in the workplace. These protocols did not have the force of law.

The law accords full protection to trade unionists' personal and property rights. All private and public sector employees were permitted to strike, but essential workers may strike only under certain circumstances and after following prescribed procedures. The International Labor Organization (ILO) has criticized the Better Security Act of 1920, which provides that persons who willfully and maliciously break a contract knowing that it would cause injury to persons are liable for a fine or 3 months' imprisonment. The ILO asked that the law be amended on the grounds that it could be invoked in the case of a strike; the Government had not taken any action to do so.

In 2000 the nonunion Barbados Police Association supported the police over unfulfilled promises of increased wages and increased allowances. At year's end, the Government was still reappraising civil service salary scales. The Government insisted that the police should be included in this exercise and that they should not receive special treatment. In the interim, in keeping with promises made by the then-Attorney General, Parliament

approved an allowance package for certain ranks of the police force.

There were no manufacturing or special areas where collective bargaining rights were legally or administratively impaired. There were no export processing zones.

c. Prohibition of Forced or Bonded Labor

The Constitution prohibits forced, compulsory, or bonded labor, including by children, and there were no reports that such practices occurred.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum working age of 16 was broadly observed. Compulsory primary and secondary education policies reinforced minimum age requirements (see Section 5). The Labor Department had a small cadre of labor inspectors who conducted spot investigations of enterprises and checked records to verify compliance with the law. These inspectors may take legal action against an employer who is found to have underage workers.

e. Acceptable Conditions of Work

The law provides for and the authorities establish minimum wages for specified categories of workers. Only two categories of workers have a formally regulated minimum wage--household domestics and shop assistants (entry level commercial workers). Household domestics were entitled to a minimum wage of \$0.75 (BDS\$1.50) per hour, although in actual labor market conditions, the prevailing wage was triple that amount. There were two age-related minimum wage categories for shop assistants. The adult minimum wage for shop assistants was \$2.13 (BDS\$4.25) per hour and the minimum wage for 16- and 17-year-old shop assistants was \$1.97 (BDS\$3.95) per hour. The minimum wage for shop assistants was marginally sufficient to provide a decent standard of living for a worker and family; most employees earned more. Some persons also received remittances from relatives abroad or operated cottage industries to supplement their income.

The standard legal workweek is 40 hours in 5 days, and the law requires overtime payment for hours worked in excess. The Government accepts ILO conventions, standards, and other sectoral conventions regarding maximum hours of work. However, there was no general legislation that covered all occupations. Employers must provide a minimum of 3 weeks' annual leave. Unemployment benefits and national insurance (social security) covered all workers. A comprehensive, government-sponsored health program offered subsidized treatment and medication.

The Factories Act of 1983 sets the officially recognized occupational safety and health standards. The Labor Department enforced health and safety standards and followed up to ensure that management corrected problems cited. The Factories Act also requires that in certain sectors firms employing more than 50 workers create a safety committee. This committee could challenge the decisions of management concerning the occupational safety and health environment. Trade union monitors identified safety problems for government factory inspectors to ensure the enforcement of safety and health regulations and effective correction by management. The Barbados Workers Union accused government-operated corporations in particular of doing a "poor job" in health and safety. The Government pledged to undertake inspections of government-operated corporations and manufacturing plants, and the Labor Department's Inspections Unit conducted several routine annual inspections of such corporations. During the year, several workers died as a result of cave-ins or falls while digging deep trenches. These well-publicized incidents led to increased calls for more stringent safety standards. Workers had a limited right to remove themselves from dangerous or hazardous job situations without jeopardizing their continued employment.

f. Trafficking in Persons

There were no laws specifically addressing trafficking in persons, although laws against slavery and forced labor could be applied. There were no reports that persons were trafficked to, from, or within the country.